

Senate File 2094 - Introduced

SENATE FILE 2094

BY SCHNEIDER

A BILL FOR

1 An Act relating to the use of child restraint systems in motor
2 vehicles, and making penalties applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.446, subsection 1, paragraph a, Code
2 2018, is amended to read as follows:

3 a. A child under ~~one year~~ two years of age and ~~weighing~~
4 ~~less than twenty pounds~~ who is being transported in a motor
5 vehicle subject to registration, except a school bus or
6 motorcycle, shall be secured during transit in a rear-facing
7 child restraint system that is used in accordance with the
8 manufacturer's instructions.

9 EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 Under current law, a child under six years of age who is
13 being transported in a motor vehicle, except a school bus or
14 motorcycle, must be secured during transit by a child restraint
15 system that is used in accordance with the manufacturer's
16 instructions. If the child is under one year of age and
17 weighs less than 20 pounds, the child restraint system must be
18 rear-facing. A child restraint system is a specially designed
19 seating system, including a belt-positioning seat or a booster
20 seat, that meets federal motor vehicle safety standards set
21 forth in 49 C.F.R. §571.213.

22 This bill amends current law to require that if the child
23 is under two years of age, the child restraint system must be
24 rear-facing regardless of the child's weight.

25 Under current law, a violation of the provision is a simple
26 misdemeanor punishable by a scheduled fine of \$100. A court
27 is prohibited from convicting a person who is charged with a
28 first violation of the provision if the person produces in
29 court, within a reasonable time, proof that the person has
30 purchased or otherwise acquired a child restraint system which
31 meets federal motor vehicle safety standards. Failure to use a
32 child restraint system does not constitute negligence nor is
33 the failure admissible as evidence in a civil action. Failure
34 to use a child restraint system is prohibited from being
35 considered by the department of transportation in determining

1 whether to suspend a person's driver's license (Code section
2 321.210), but the violation is considered in determining
3 habitual offender status (Code section 321.555).